

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Arron S. King, Sr.,

Case No. 24-cv-1408 (JWB/DJF)

Plaintiff,

v.

**REPORT AND
RECOMMENDATION**

Ramsey County Jail; Willow River, CIP;
Hennepin County Jail; and Correctional
Officers and Nursing Staff,

Defendants.

On June 20, 2024, the Court ordered Plaintiff Arron S. King, Sr. to pay an initial partial filing fee of \$68.40 by July 11, 2024, failing which the Court would recommend dismissing this action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute (ECF No. 7 at 1-2). The deadline has now passed and Mr. King has not paid the required fee. (*See* Docket.) Consistent with its June 20, 2024 Order, the Court now recommends dismissing this action without prejudice under Rule 41(b) for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order."). The Court therefore also recommends that Mr. King's application to proceed *in forma pauperis* (ECF No. 4) be denied.

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that:

1. This action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute; and
2. Mr. King's application to proceed *in forma pauperis* (ECF No. [4]) be **DENIED**.

Dated: July 18, 2024

s/ Dulce J. Foster

DULCE J. FOSTER

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).